

**CONSERVATION COMMISSION**  
**MINUTES OF THE MEETING**  
**WEDNESDAY, MAY 7, 2008 – 6:45 PM**  
**CATA CONFERENCE ROOM**  
**3 POND ROAD**  
**ROBERT GULLA, CHAIRMAN**

**MEMBERS PRESENT**

Robert Gulla, Chairman  
John Feener  
William Febiger  
Arthur Socolow

**MEMBERS ABSENT**

Charles Anderson  
Brandon Frontiero

**STAFF PRESENT**

Nancy Ryder, Conservation Agent  
Carol Gray, Recording Clerk

Ann Jo Jackson, Vice Chair, opens the meeting of the Gloucester Conservation Commission.

There was a brief discussion regarding Eastern Point Boulevard.

**6 ROCKY NECK AVENUE**

Notice of Intent submitted by Patricia Conant to raze and re-build dwelling in a coastal bank resource area.

The Agent notes that revised information was submitted on 05/06/08.

DEP has not issued a number but on the web site it stated that the application was under review.

The matter is to be continued.

**MOTION:** Mr. Socolow moves to continue the matter

**SECOND:** Mr. Feener      **VOTE:** 4-0 all in favor

Mr. Gulla takes his place with the GCC with Ms. Jackson continuing on as Chair for the evening.

**91 RIVERVIEW ROAD**

The Agent notes that this is an extension request that was approved at the last meeting but was not signed by a quorum. It is on the agenda this evening for signatures.

Signed by all GCC members present.

The Agent informs the GCC that the Mayor has requested that review of drafts of the Minutes of the Meetings be reviewed and updated. Going forward minutes will be submitted by the recording clerk the following Wednesday from the date of the meeting.

Minutes will be reviewed by the GCC at the following meeting as well as previous minutes as time permits.

**LETTER PERMIT REQUESTS**

**7 PARKER STREET**

Request to amend the OoC to allow 2 concrete pad anchors in place of the approved 4 mushroom anchors. A notice of no impact was received from the Shellfish Constable.

Dave Sargent stated that it was an equal exchange.

Ms. Jackson requests a motion to allow the Letter Permit.

**MOTION:** Mr. Febiger

**SECOND:** Mr. Socolow      **VOTE:** 5-0

### **BRACES COVE**

The notice of vegetation choices for Braces Cove management planting is available for the GCC to review and vote on.

The Agent reviews with the Commission and notes choke cherry trees.

Mr. Feener states that the trees reach a height of approx. 25 ft. but black knot may occur which diminishes the life of the trees. They provide constant vegetation but not a high canopy. Mr. Feener noted two other possible trees for planting.

It should be noted to the applicant but is not a requirement.

Ms. Jackson states she will entertain a motion to allow the Letter Permit.

MOTION: Mr. Gulla

SECOND: Mr. Febiger      VOTE: 5-0 all in favor.

### **2 GLOUCESTER AVENUE**

This is a dock location modification request from a pre-start of work meeting with the applicant Dave and Jim. The modified placement utilizes existing pilings rather than installing new ones and removing the old.

The Agent submits photos for the GCC to review. She notes that the work is based on Jim and Dave's recommendation.

Ms. Jackson states she will entertain a motion to allow the Letter Permit.

MOTION: Mr. Feener

SECOND: Mr. Socolow      VOTE: 5-0 all in favor.

### **434 WASHINGTON STREET**

The Agent states that this is a request to repair concrete stairs that are buckling adjacent to the sidewalk.

Ms. Jackson states she will entertain a motion to allow the Letter Permit.

MOTION: Mr. Gulla

SECOND: Mr. Febiger      VOTE: 5-0 all in favor.

### **156 WHEELER STREET**

The Agent states that this meets the criteria for a Letter Permit.

There will be hand removal of everything with a magnet drag to be done.

A tarp is being used at present.

Photos were reviewed by the GCC.

Ms. Jackson states that on the north side of the roof, (A. in the photo), will have a tarp at low tide.

Ms. Jackson states that she will entertain a motion to allow the Letter Permit.

MOTION: Mr. Gulla

SECOND: Mr. Febiger      VOTE: 5-0 all in favor.

### **58 BRAY STREET**

Mr. William Febiger has recused himself.

The Agent reviews with the commission stating that this is a request to add soil from a truck from the road with no machinery off road and then raking the soil over the septic system and reseed. The tank freezes in winter due to insufficient soil coverage.

The Agent notes soil disturbance but not to the existing soils.

Ms. Jackson states she will entertain a motion to allow the Letter Permit.

MOTION: Mr. Socolow

SECOND: Mr. Feener      VOTE: 4-0 all in favor

### **BASS ROCKS GOLF COURSE**

The Agent notes that this is an amendment to 28-1801 to include repaving an extra section of an existing cart path.

Ms. Jackson states she will entertain a motion to allow the Letter Permit.

MOTION: Mr. Gulla

SECOND: Mr. Feener                      VOTE: 5-0 all in favor.

Mr. Gulla states that this is the Public Comment period for individuals to address the GCC regarding any environmental issues not on the agenda for this evening.

### **8 SEA RULE LANE** (Map 202, Lot 2)

Notice of Intent submitted by Russ Lavoie to conduct home renovations, construct a deck and patio addition with landscaping activities in coastal bank and the buffer to a coastal bank.

Russ Lavoie, applicant present along with Mr. William Manuell, Wetland Scientist, Hugh Collins, Landscape designer and Jim McKenna, Esq. for the applicant.

Mr. Manuell addresses the GCC noting the site visit that was taken and the scope of the project.

All carpentry work will be done above ground and the footprint will not be changed except for a decrease. The building that was added on will be taken off.

He notes a proposed driveway and formal front entry walkway along with landscaping revisions to be done to the property.

He notes, on the water side, a reduction of the blue stone terrace to grass and stepping stones to a wood deck. Re: the bluestone terrace, a porous backfill behind the wall, 3 inch spaces for drainage with an infiltration area to be incorporated into the terrace.

He states rain gardens landward re: the roof and driveway runoff.

This is an increase of 700 sq. ft. impervious area but mitigation has been noted in other areas of the plan. He states that they have improved the quality of the runoff with a row of cobblestones so it will be forced to go to the rain gardens.

He notes a proposal to stabilize the area at coastal bank by removing the vertical slope with something more gradual, a 3 to 1 slope with ground cover and shrubs. He notes this as being a pro-active solution to the erosion of the bank.

Mr. Socolow inquires as to some type of netting that would help to stabilize the soil and ground cover, holding it together with Mr. Manuell stating that something is in place.

The Agent notes that you cannot armor a coastal bank. You can stabilize now with trees and shrubs on the existing area.

Mr. Gulla notes that a site visit was done and further inquires as to any documentation showing the design of the coastal bank.

Mr. Manuell states that CZM noted this as a well accepted premise. The CZM term is noted as a soft solution.

Ms. Jackson states that she would like the GCC to run this by CZM noting a disagreement re: calculations of impervious area.

The Agent notes that she would like to see the final calculations. She notes that storm water controls are not considered mitigation.

Mr. Gulla inquired as to eco-pavers vs. bluestone with stone dust beneath.

Mr. Manuell states that eco-pavers were not cost effective.

Mr. Febiger inquired as to the bluestone terrace being lowered.

Mr. Collins states that if they lower the terrace they would need to have additional steps at the house.

Mr. Manuell states that the grade will be cut at the driveway.

Mr. Gulla states that accurate numbers re: pervious to impervious are needed.

Mr. Manuell states that the next plan to review will reflect the planting and landscaping to be done.

Ms. Jackson notes an oak tree at coastal bank and Mr. Manuell states that they can possibly put a well around the tree.

Mr. Feener states that if you suffocate the roots the tree will die.

Information needed for the next meeting:

Input from Shellfish, verification re: fill, stabilization information, addressing the issue of the tree, mitigation and further information re: the resource area.

Mr. Socolow stated that the netted areas should be noted on the plan.

Ms. Jackson inquired as to there being any way to support the deck creating less impact as opposed to a 4 ft. deep trench.

Mr. Collins noted the use of non-continuous sonatubes.

The Agent inquires with Mr. Manuell what section in the narrative reflects best what he wants.

Mr. Manuell notes page #5 and the detail sheet.

Ms. Jackson states she will entertain a motion to continue the matter to 06/04/08 at 7:30.

MOTION: Mr. Feener moves to continue the matter to the above date and time.

SECOND: Mr. Gulla VOTE: 5-0 all in favor.

### **15 WATERSIDE LANE** (Map 201, Lots 104, 119, 121 and 122.)

This is a request for determination submitted by East Gloucester Marine to clear brush, remove select trees and construct a roadway.

Mr. Steve Pardee present and representing the applicant notes the gravel driveway being 12 ft wide and 130 ft. long. He notes the undeveloped site with brush clearing to be done along with the removal of selected trees and further notes 6 trees over 3 inches in diameter. He notes an oak tree at the entrance to the property that is in bad condition.

Mr. Gulla notes that he did a site visit with Mr. Feener and they talked about mitigation at that time but no update has been received at this time. There needs to be some sort of mitigation for the trees that are to be removed.

It was noted that the downhill slope would have some runoff. The slowdown of velocity was noted.

Mr. Feener notes preserving the beech trees with chips or something similar and notes the measurement of 6 to 8 inches.

Mr. Gulla notes that a mathematical equation is needed regarding trees to be taken down and trees to be replaced.

Mr. Pardee states that grass may be used instead of the gravel.

Mr. Gulla reminds Mr. Pardee of the 2 to 1 mitigation.

A detailed construction narrative is needed and a storm water deflection narrative needs to be submitted to the Engineering Dept.

A mulch sock is noted to be used during construction at the end of the driveway where the road ends. Drainage issues to be addressed as well as the details re: trees along with a layer of chips. Mitigation measures for the trees to be removed are needed as well as construction details and the Eng. review of the storm water base.

On the plan the Agent notes flags B2 and B5 as salt marsh and tidal flats and is off by approx. 30 ft.

Mr. Gulla states that he assumes all trees to be taken down are in the buffer zone and work is to be done back from that.

Mr. Pardee notes vandalism in the area re: the removal or moving of flags. He further noted some dissention from neighbors.

PUBLIC COMMENT:

Mr. Steven Goldin states that the River Protection Act should be noted in this case and he notes Mr. John Judd, Waterside Ln. and an Nol. He states the area should be noted as a river and further noted the water as well.

The Agent notes that she does not believe that water was a perennial stream.

Ms. Elisha Terenzi states that no neighbors have removed any flags or markers from the site. On the plan she notes a slope and the elevation of 9ft. She would like the GCC to consider the disruption in the area, deny the RDA and make it an Nol. She states that Dave Sargent's concerns are never addressed.

Ms. Jan Taylor notes the cove and states that she agrees with Ms. Terenzi.

She questions whether the road will be for one person or for approx. nine people with proposed homes going in.

Mr. Gulla notes that anything other than what is on the plan will have to have approval.

Mr. Kevin Phoenix reminds the GCC of the Ravenwood runoff where a little stream becomes a river noting this as a delicate situation. He requests that the GCC take time to fully review this project.

PUBLIC COMMENT: Closed.

Ms. Jackson conveys to the public that all comments should be in writing and submitted.

She will entertain a motion to continue this matter for additional information to 06/04/08 at 7:30 PM.

**Noted: Clarification needed on: drainage at beginning of drive, details on tree preservation, layer of chips to prevent soil compression, mitigation, construction detail narrative, sormwater deflection, mulch sock on nose end of driveway.**

MOTION: Mr. Febiger

ABSTENTION: Mr. Socolow

SECOND: Mr. Feener

VOTE: 4-0

### **20 TWO PENNY LANE** (Map 260, Lot 31)

Request for Determination submitted by Irv Falk to clarify resource boundaries and address unpermitted work in coastal resource.

Mr. Peter Feurbach, rep. the applicant and Mr. Irv Falk, applicant are present and before the GCC.

Mr. Feurbach reviews with the GCC noting that the driveway was built in 1965 with an OoC in 2001 and site work, the GCC issuing a Certificate of Compliance in 2002.

He notes a letter re: the driveway being raised.

The footprint was submitted to compare with a present day photo. He notes that it matches up with the dune in 1999. He would like to keep things status quo.

He notes a concern re: vehicles going out to the coastal dune. The Falk's put up granite posts at the edge of the footprint of the driveway. They are not seeking to do anything new. He would like to clarify that the drive has been there for longtime and that maintenance to the drive can be done. They are not trying to get any approval for any additional work. He would like to see this checked off as a negative determination.

Mr. Feener states that he feels the granite posts in between are inhibiting movement.

Mr. Gulla states that the root flair indicated that nothing had been filled recently.

The photos dated 1999 were noted.

Ms. Ryder notes a 2003 aerial view where no posts are shown. She notes that all information gathered that was done by Leslie was done all at once and not piecemeal.

She recommends a management plan along with a snow fence to prevent vehicle traffic.

The Agent states that it is the landowner's responsibility to maintain the area to protect the dunes. The horizontal posts on the ground are to be removed.

She informs the applicant that they can get information re: Barrier Beach Management Plan through Community Development with assistance from Marie or Sue.

Ms. Jackson notes the educational outreach opportunities re: landscaping which can be discussed between the GCC and the landowner.

Any maintenance and/or further work must come back as an Nol.

PUBLIC COMMENT: none/closed.

To summarize Ms. Jackson states the neg. det. is based on pre-existing work, Certificate of Compliance, having the horizontal fence removed and any further work comes back as an Nol.

She notes the confirmation of coastal dune.

Negative Determination: +2A, +2B, +5, -3.

The Agent notes that the entire site is within coastal dune.

Ms. Jackson states she will entertain a motion for negative determination.

MOTION: Mr. Socolow

SECOND: Mr. Feener

VOTE: 5-0 all in favor.

A 5 minute break was requested.

MOTION: Mr. Feener moves for a 5 minute break

SECOND: Mr. Febiger

VOTE: 5-0 all in favor

Meeting resumes.

Mr. Gulla departs the meeting.

4 GCC members will now be voting.

### **1 WINGAERSHEEK ROAD** (Map 257, Lots 7 and 8)

This is a Notice of Intent submitted by Todd Dagues to construct a single family house with associated utilities and septic system in a buffer zone to coastal dune.

Mr. William Manuell and Mr. John Judd present.

Mr. Manuell reviews with the Commission stating that they have retained the original driveway concept and moved the house in relation to the vegetation. Soil tests in alternate locations looks disturbed in the past. John Judd has roughed out a septic design.

The impact to the wetland area is 275 sq. ft. with 550 sq. ft. being given back adjacent to the impacted area. He notes the wetland replication summary and planting schedule.

He notes the use of an air spade as opposed to a backhoe and mats or covers to be placed over tree roots. Re: blight, an arborist will assist with the situation.

The set of conditions are similar to 20 Two Penny Lane. The construction area is to be controlled and some sort of independent supervision is needed.

Ms. Ryder notes that a plan for the septic system is still needed.

Mr. Socolow states that in regards to the replication area, how is the construction to be done with Mr. Manuell stating excavation will be done. He notes allowing excavation one pass from the street to the area to be graded out. Stockpiling to be done in the path of the driveway.

Mr. Feener explains the air spade. It is pure air and does not affect the roots. He states that it has been used in the military re: landmines. This is to be used anywhere where natural pines are, blowing the materials under them. Backfill will be done around the roots.

Mr. Feener notes the narrative, pg. 5, noting a condition should be to analyze the soil before any additives are distributed and to treat the trees needs and not just use some basic fertilizer.

Mr. Febiger inquired as to the garage being located elsewhere so as to reduce the depth and extent of the driveway, with Mr. Manuell pointing out the scalloped lines on the plan indicating the location of vegetation. The ramp to the garage is on pilings. He states that they are trying to keep with the footprint to the area where the needle blight took place.

Ms. Jackson states that 2 to 1 mitigation is required. He will consider different configurations for the garage location and access.

The Agent notes DEP comments and concerns. She notes that regardless of primary or secondary, the dunes are protected. She questions exactly what they want to do in re: the driveway and how they will meet the Performance Standards.

She notes having the garage in line with the driveway. There was a question as to whether or not this meets the Performance Standards.

Ms. Jackson notes having a long term management plan re: dune access and the treatment of the blight may also be included in the management plan.

Mr. Manuell notes possible off site planting in a public or private barrier beach for mitigation purposes.

PUBLIC COMMENT: none/closed.

Ms. Jackson states she will entertain a motion to continue the matter to 05/21/08 at 9:00 PM.

MOTION: Mr. Feener moves to continue the matter to the above date and time.

SECOND: Mr. Febiger VOTE: 4-0

**WINGAERSHEEK BEACH** (Map 257, Lots 10, 34, 35, 36, 37 and 38)

This is a Notice of Intent submitted by Jean Sawicki, Hawks Association, to create a beach maintenance plan to allow regular maintenance work and repairs along the beach association property on Coffins Beach.

Ms. Nancy Ryder, Agent for the Conservation Commission thanked the Association and stated it was a very good proposal.

Curt Young, rep. Hawks Association and Jean Sawicki, President of the Association are present and before the GCC.

Mr. Young reviews the plan with the GCC in regards to the Beach Management Plan with the location being at the end of Sleepy Hollow Road.

He states that 40 families make up the Association.

They have a problem with a buildup of sand but notes that the primary issue is access maintenance. In the spring they need to breakdown the height of the sand so a boardwalk can be laid in place and a small machine will be done to do so.

Ms. Jackson states that it should be noted that all modifications must go through the Conservation Commission.

The Agent states that they need to provide documentation that this is an access for the Fire Dept. and other safety machinery.

Ms. Jackson notes that the goal is to have a removable boardwalk and 18 inches above the ground is the direction that DEP is going with this for private residences.

The Agent notes that they should allow other associations access re: emergency or maintenance vehicles creating as little impact to the dunes as possible.

Ms. Jackson states that a clarification should be noted in the plan re: boat and dinghy storage above the high tide line and not in the dunes or vegetated areas.

PUBLIC COMMENT:

Michael L. states that he feels it is a great plan.

PUBLIC COMMENT: Closed

Ms. Jackson states she will entertain a motion to accept the Beach Management Plan, with conditions.

MOTION: Mr. Feener

SECOND: Mr. Socolow VOTE: 4-0 all in favor.

**79 EASTERN POINT BOULEVARD** (Map 136, Lot 8)

This is a Notice of Intent submitted by Patricia Critchlow to construct (repair) a granite and concrete column used to reinforce an existing seawall in a rocky inter-tidal shore.

Mr. Jim Critchlow addressed the GCC stating that the seawall is buckling out with a large fissure in the concrete deck. The remedy would be a vertical pillar 5ft. by 2 ft.

A site visit was taken with Jim, Dave, Mr. Critchlow and the Agent with other flaws found at that time. Mr. Critchlow states that he would like the additional flaws to be included in the repair permit.

DEP # 28-1946. All work is to be done by hand.

PUBLIC COMMENT: none/closed.

Ms. Jackson states she will entertain a motion to accept the project and documentation.

MOTION: Mr. Febiger

SECOND: Mr. Socolow

VOTE: 4-0 all in favor

**Enforcement Hearing – 46 LEVERETT STREET** (Map 162, Lot 13)

The GCC requests the attendance of Christine Peterson to discuss violations that have occurred on site in resource area in violation of an issued Order of Conditions and the State Wetlands Protection Act. The hearing will include discussion and possibly a vote regarding restoration, remediation and any other action the GCC may require of the property owner, including issuance of administrative penalties.

The Agent states that a written request for a continuation has been submitted due to medical reasons. Leslie Prevost, rep. the applicant filed the request.

Ms. Jackson states she will entertain a motion to continue the matter.

MOTION: Mr. Socolow moves to continue the matter.

SECOND: Mr. Febiger

VOTE: 4-0 all in favor

The Agent notes that the legal department is to be included in this matter.

**259 ATLANTIC ROAD** (Map 134, Lot 35)

Mr. John Judd and Mr. Peter McLeod are present rep. the property owner.

The GCC reviews the plan. Noted were the importing of 150 new plants and the relocation of some natural trees to create a better landscape. The landscape plan is being done by Corliss Bros. Regarding replanting in the buffer zone a vegetative determination is needed.

The Agent notes a site visit done with Mr. Judd and photos are on the pc and can be pulled up for viewing, if needed.

Mr. Feener notes Burning Bush as an invasive species with Mr. McLeod noting that particular plant exists on the property.

It was agreed that the GCC would like the Burning Bush vegetation replaced.

The Agent notes that the landscaping is across a road from the coastal bank and results in a similar square footage of landscaped area that currently exists but also allows for a walk path.

Ms. Jackson states she will entertain a negative determination subject to the Burning Bush being replaced with native non invasive vegetation.

MOTION: Mr. Febiger moves for a neg. determination

SECOND: Mr. Feener

VOTE: 4-0 all in favor.

**10 BAYBERRY LANE** (Map 257, Lot 58)

This is a request for determination submitted by William Whitham to replace the septic system in a buffer to a dune.

Mr. Whitham, applicant and Mr. John Judd, rep. the applicant are before the GCC.

Mr. Judd reviews the plan with the Commission stating that the entire site is secondary coastal dune. The existing septic system has failed. The septic system has been approved by the Board of Health.



The Agent notes this as a Title 5 compliance upgrade. There is no other location available on site that will be less disturbing. The system proposed utilizes cement containment and HDPE barrier which, while compliant with health regulations is not compliant with coastal dune requirements.

PUBLIC COMMENT: none/closed.

Ms. Jackson states she will entertain a motion for a negative determination.

MOTION: Mr. Feener moves for a negative determination.

SECOND: Mr. Febiger      VOTE: 4-0 all in favor

(Negative determination – with no other compatible existing other systems applicable.

This would be an upgrade.)

#### **41 WHITEMORE STREET** (Map 21, Lot 7)

This is a Notice of Intent submitted by McNiff Company to construct 10 residential units and a community building with associated grading, utilities, piers, gangways and seasonal floats in multiple resource areas and buffer zone.

J. McNiff has requested a continuance to 06/04/08 9:30 PM. The Agent notes that revised plans will be sent to the GCC for review.

Ms. Jackson states she will entertain a motion to continue to the above date and time.

MOTION: Mr. Feener

SECOND: Mr. Febiger      VOTE: 4-0 all in favor

#### **9-11 WITHAM STREET – CAPE ANN PETROLEUM** (Map 160, Lot 19)

Notice of Intent submitted by Frank Favoloro to construct a concrete fueling pad and a fuel containment berm at an existing fuel facility.

Mr. Steve Sawyer, Oak Eng. rep. the applicant reviews with the GCC as well as giving revised information.

He notes the construction schedule, the installation of erosion controls and mitigation.

He notes a 6ft. wide bio swale and the planting of fibrous root type grasses (red meadow seed mix noted along with 2 other grasses). He also notes a containment berm and the fueling pad stating it would be about a two week process.

He notes in the maintenance plan, a daily inspection re: oil and on a monthly basis, the sweeping of the pads. The site now consists of a gravel lot with a containment pad.

James McKenna states that the first structure approval was dated 1964 and the next in 1968 and again in the late 1970's.

The Agent notes that the GCC has not discussed this matter or made a finding as of yet.

She strongly recommends speaking to the Engineering Dept. if they have concerns as they should be added to the plan. She further recommends that the soil in the swale be checked once a year and the results sent to the Conservation Commission agent.

PUBLIC COMMENT: none/closed.

Ms. Jackson states she will entertain a motion to continue the matter to 05/21/08 7:05 PM.

It was further noted that an acknowledgement re: the structures existing and pre dating the Wetland Protection Act is needed.

MOTION: Mr. Feener      ABSTENTION: Mr. Socolow

SECOND: Mr. Febiger      VOTE: 3-0

#### **64 SUMMER STREET** (Map 240, Lot 12)

This is a request for determination submitted by Ellen Preston to enclose an existing deck, repair the deck and resurface the driveway.

Mr. John Judd, rep. the applicant and Ms. Ellen Preston, applicant present and before the GCC.

Mr. Judd states this is an addition over an existing deck. The deck will be removed, sona-tubes will be added and the deck reconstructed. The driveway is to be repaved.

The Agent notes ACEC, but no expansion with erosion controls on the driveway side.

PUBLIC COMMENT: none/closed.

Noted: The mulch sock is to be extended, work is to be done by hand and the dumpster and stockpiling is to be done at the front of the house.

Ms. Jackson states she will entertain a motion for a negative determination with the above noted conditions.

MOTION: Mr. Feener

SECOND: Mr. Febiger      VOTE: 4-0

**7 AILEEN TERRACE** (Map 134, Lot 4)

This is a request for determination submitted by James Alvarez to restore existing concrete pilings with new concrete wrap.

Mr. Steve Pardee, rep. the applicant and James Alvarez, applicant present and before the GCC.

Mr. Pardee states that this is a request for determination with the scope of the work noted and photographs as well. He notes this being built in the 1970's with low grade concrete mix and is in pretty rough shape. There are 12 piers to be reinforced which are presently in danger of failing. One or two of the footings, on the western edge, may be close to sand.

There was a discussion regarding work to be done by land or with the use of a barge.

It was noted that additional details are needed along with details re: the wrap and no excavation to be done.

It was agreed to continue the matter.

Ms. Jackson states she will entertain a motion to continue the matter to 05/21/08 at 9:30 PM.

PUBLIC COMMENT: none/closed.

MOTION: Mr. Feener moves to continue the matter to the above date and time.

SECOND: Mr. Febiger      VOTE: 4-0 all in favor

**71, 73, 79 CONCORD STREET** (Map 234, Lots 38, 39 and 42).

This is a Notice of Intent submitted by DeMoulas Retail Management and Development Inc. to construct a commercial building with associated site work, utilities, parking and replication area.

James McKenna, rep. development for Market Basket

Mr. Joe Pasquale, Mr. Jim DeAngelo, Mr. Jeff Wilson, Mr. Mike Seekamp and Mr. Brian Pendelton all present and before the GCC.

Mr. Pendelton notes the revised plans submitted on 04/30/08. He notes a letter dated 04/29/08, Beales and Thomas, approx. 10 comments that were unresolved, 5 of which were clerical errors. It further states that they have no significant issues.

Mr. Pendelton states that they can have a letter stating that the issues have been resolved and submit it to the GCC. He feels they can get this signed off.

Noted were the issues by number:

#3 truck size at the site, noted: WB 50 size truck.

#4 the sidewalks clearly identified

#7 double yellow striping to be used

#8 existing conditions outstanding re: delineation

#9 a document is needed re: the Fire Dept. and review of hydrant and water main locations (stated that Mr. Hale approved this today)

#16 details re: sediment, fore bay added.

#19 affects of ground water mounding and adverse affects.

#21 adding fills or cut

#25 permeability rate questioned, soil B/soil C rate

#30 a requirement of 100 ft. separation for infiltration areas, these are infiltration basins and within 50 ft.

Mr. McKenna states that he would like to submit a response to an abutter from a previous meeting.

Mr. Pendelton states that they are taking it step by step and are here before the GCC and will go further with the Planning Board and the Engineering Dept.

Mr. Febiger noted the letter dated 04/29/08 re: ground water infiltration basins regarding the affects of mounding. Mr. Pendelton discussed and explained infiltration and the basins. He notes the basins on the plan during the discussion.

Mr. Febiger inquires as to the integrity over time of the north wetland embankment and the granite curbing, notes the paving plan and that they are not using a seal coat; The applicant will not be using a seal coat. Mr. Seekamp notes PAHs concern and states that it is an organic compound and can break down. Mr. Febiger inquires as to ENF status and Mr. Pasquale states that it has not been filed as of yet and that they are taking it one step at a time, being here this evening before the GCC then onto the state regulations.

The Agent states that they may need to file an amendment with the GCC re: the sewer.

Mr. Feener discussed some of the planting noting a letter re: the planting plan. He states that Ash Trees can be prone to fungus and would like to see the type of trees changed. He states that when the trees are planted you want to make sure that they survive.

Ms. Jackson states that a reference plan can be followed and noted Red Maple trees.

Mr. Wilson states that the majority of planting should be in the first season.

The Agent agreed that the majority of issues have been addressed and Mickey Marcus feels it is approvable. The Agent noted a letter re: fees of \$2000.00 and \$8400.00.

PUBLIC COMMENT:

A Ms. Donna Chamberlain asked that the issues discussed be in writing with Ms. Jackson explaining that they would be in writing and submitted to the Community Development office and can be reviewed at that time.

PUBLIC COMMENT: closed.

Ms. Jackson states she will entertain a motion to continue the matter to 05/21/08 at 9:30.

MOTION: Mr. Socolow moves to continue the matter to the above date and time.

SECOND: Mr. Febiger      VOTE: 4-0 all in favor

Agents Report on violations:

Braces Cove – minor issues to major violations re: topping off coastal dunes to draining wetlands across from Braces Beach. Further discussion is needed to resolve these issues.

Good Harbor Beach – site inspections done and the newly implemented management plan is not working well. A further meeting with Mark and Ed is scheduled for Friday and hopefully we can resolve the issues without further action needed.

31 Woodward Ave – mitigation response for removal by Asplundh of a 72 ft. pine tree on coastal bank - abutting landowners are submitting a replanting response.

Little River Campground – New violations, no long term management plan submitted, Stop work until Nol is filed, still in force from 2006. Septic repair did not receive BoH permit or review.

North Landing Way – Notice going out to all owners/abutters as there has been evidence of excavation and drainage into the salt marsh again.

Calvary Cemetery- new dumping has been found down bank to a stream adjacent to the cemetery.

ER Certificates –

1236 Washington Street – project completed.

7 Hesperus - City Eng. catch basin/culvert collapse repairs

Bass Rocks Golf Course- drain line rupture repaired and completed.

Correspondence and other Commission business:

Gloucester Crossing Bond Issue discussion

Storm Smart Coasts training session discussed

Army Corp of Eng. – dam failures (approx. 12 in the city)

Mass Bay Commuter Rail 2008 Vegetation Program was discussed.

Ms. Jackson states she will entertain a motion to adjourn.

MOTION: Mr. Feener moves to adjourn the meeting.

SECOND: Mr. Febiger            VOTE: 4-0 all in favor

Meeting adjourned.

Respectfully submitted,

Carol A. Gray  
Recording Clerk